IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4430 OF 2005

Rajesh Dagadu Salve ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.S.V.Marwadi for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 8,2005

P.C.:

1. The offence alleged against the Applicant and co-accused is under Sections 302,397,452 read with Section 34 of the I.P.C. The offence alleged against the Applicant and other co-accused is of committing murder of one Vimal Kumar in a jewellery shop.

2. The learned Counsel for the Applicant submitted that the only evidence against the Applicant seems to be that the thumb impressions of the Applicant appeared on the steel container which was found at the spot. He submitted that the finger prints of the Applicant have been obtained by the Applicant when he was in custody. He stated that the finger prints are not obtained in presence of the panchas or under the orders of the learned Magistrate.

3. The learned A.P.P. has shown relevant material on record.

4. I have considered the submissions. Apart from the evidence of the thumb impression of the Applicant on the steel container found at the spot of the incident, there is a recovery of large quantity of the gold at the instance of the applicant. It is stated that the owner of the jewellery shop has identified the said articles and the same have been ordered to be returned to the owner. There is sufficient material on record to show the complicity of the Applicant in the offence of a brutal nature. I find no reason to differ from the view taken by the learned Sessions Judge. Accordingly, application is rejected.

JUDGE